Notice of Allowability	Application No.	Applicant(s)
	09/848,823	URIBE ET AL.
	Examiner	Art Unit
	Jonathan S. Crepeau	1746
The MAILING DATE of this communication appears on the cover sheet with the correspondence address All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiativ of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.		
1. This communication is responsive to <u>appeal brief of 6/4/04</u> .		
2. The allowed claim(s) is/are <u>1-4</u> .		
3. A The drawings filed on <u>03 May 2001</u> are accepted by the Examiner.		
 4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some* c) None of the: Certified copies of the priority documents have been received. Certified copies of the priority documents have been received in Application No. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)). * Certified copies not received: Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE. 		
5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.		
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.		
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached		
1) 🗌 hereto or 2) 🔲 to Paper No./Mail Date		
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date		
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).		
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.		
Attachment(s)		
1. Notice of References Cited (PTO-892)	5. Notice of Informal Pa	atent Application (PTO-152)
2. Notice of Draftperson's Patent Drawing Review (PTO-948)	6. ☐ Interview Summary (Paper No./Mail Date	
3. Information Disclosure Statements (PTO-1449 or PTO/SB/0 Paper No./Mail Date		
4. ☐ Examiner's Comment Regarding Requirement for Deposit	8. X Examiner's Stateme	nt of Reasons for Allowance
of Biological Material	9. Other	

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DETAILED ACTION

- 1. Claims 1-4 are allowed.
- 2. The following is an examiner's statement of reasons for allowance:

Claim 1 recites, among other features, that the oxidation catalyst consists essentially of a single non-precious metal oxidation catalyst selected from the group consisting of Cu, Fe, Co, Tb, W, Mo, Sn, and oxides thereof. The art of record does not teach or fairly suggest this limitation. Bellows (U.S. Patent 5,955,214) teaches a mixed oxide of copper and tin; however, this is not a "single" catalyst as required by claim 1. Further, Eguchi et al (*Sci. and Tech. in Catalysis*, 1998) teaches copper supported on mixed oxides. However, the mixed oxides materially affect the catalytic performance of the catalyst, as shown in Table 1 of the reference. Therefore, the materials of the Eguchi reference are excluded by the "consisting essentially of" language of claim 1. As such, claim 1 is allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Crepeau whose telephone number is (571) 272-1299. The examiner can normally be reached Monday-Friday from 9:30 AM - 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr, can be reached at (571) 272-1414. The phone number for the organization where this application or proceeding is assigned is (571) 272-1700. Documents may be faxed to the central fax server at (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jonathan Crepeau Patent Examiner Art Unit 1746 August 12, 2004